

United States District Court, Northern District of Illinois

| | | | |
|---|---|---|----------------|
| Name of Assigned Judge or Magistrate Judge | Robert W. Gettleman | Sitting Judge if Other than Assigned Judge | |
| CASE NUMBER | 08 C 4257 | DATE | August 1, 2008 |
| CASE TITLE | U.S. ex rel. Lathierial Boyd (B-10106) v. Mathy | | |

DOCKET ENTRY TEXT:

Petitioner's motion for leave to file *in forma pauperis* [3] is denied. Petitioner is given 30 days from the date of this order to pay the \$5 filing fee. If Petitioner does not pay the filing fee within 30 days, the Court shall enter judgment dismissing this case.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Petitioner Lathierial Boyd's motion for leave to file *in forma pauperis* is denied for lack of a sufficient showing of indigence. Petitioner's financial affidavit reveals that he has a current balance of \$57.31 and average monthly deposits of \$125.00 in his prison trust account. Because Petitioner is a prisoner for whom the state provides the necessities of life, such assets do not qualify him for pauper status. *See, e.g., Lumbert v. Illinois Department of Corrections*, 827 F.2d 257, 260 (7th Cir. 1987); *Zaun v. Dobbin*, 628 F.2d 990, 993 (7th Cir. 1980). Petitioner is financially able to pay the \$5 filing fee for a *habeas corpus* petition and must do so if he wishes to proceed with this action. He may pay by check or money order made payable to Clerk, United States District Court. If Petitioner does not pay the filing fee within 30 days, the Court shall enter judgment dismissing this case. *See Brekke v. Morrow*, 840 F.2d 4, 5 (7th Cir. 1988).

JJD